

VIA EMAIL AND OVERNIGHT MAIL

October 20, 2015

Alyse Stoy
Associate Deputy Regional Counsel
U.S. Environmental Protection Agency, Region VII
11201 Renner Blvd.
Lenexa, KS 66219

Re: In the Matter of Cotter Corporation (NSL), and Laidlaw Waste Systems (Bridgeton), Inc. and Rock Road Industries, Inc. and the U.S. Department of Energy Administrative Order on Consent, EPA Docket No. VII-93-F-0005

Dear Ms. Stoy:

This letter responds to EPA's October 9, 2015 letter and attached Scope of Work (SOW) regarding the above captioned matter within the seven-working-day time frame directed by that letter and the referenced Administrative Order on Consent.

On behalf of Respondents Cotter Corporation (NSL), Bridgeton Landfill, LLC (f/k/a Laidlaw Waste Systems (Bridgeton), Inc.) and Rock Road Industries, Inc. (the "Private PRPs"), this letter confirms that the Private PRPs hereby agree to perform the additional work directed by EPA's October 9, 2015 letter, subject to modification or adjustment, in consultation with EPA and subject to the comments below.

Although the Private PRPs agree to perform the additional work, we have concerns with the proposed schedule and have several questions regarding the specific nature of the additional work to be performed. For example, based on review of the SOW, we are unclear as to whether incorporation of the additional data obtained since the 2008 Record of Decision (ROD), updating of the Conceptual Site Model, and preparation of the RI Addendum is limited to soil/waste media, or if EPA expects also the Addendum to include all of the groundwater and air monitoring data that have been obtained since the ROD. There is also reference in the SOW to a separate statement of work for Groundwater Investigation that will be transmitted to the PRPs under separate cover. The PRPs have questions about how the SOW attached to your letter and the Groundwater Investigation scope of work yet to come will interrelate with each other and affect the scope and preparation of the RI Addendum and the Final Feasibility Study (FFS) being requested under the current SOW.

We are also unsure of EPA's expectations relative to how the additional testing and associated evaluations of constituent fate and transport within the unsaturated landfill mass will be coordinated with the RI Addendum and the FFS. There are also several items listed in the SOW that we understood had previously been addressed, such as the physical segregation of radionuclide waste during excavation, and therefore we are unsure as to what additional evaluations EPA anticipates need to be completed. In addition, there also are some new items identified in the SOW – such as the evaluation of environmental justice, which

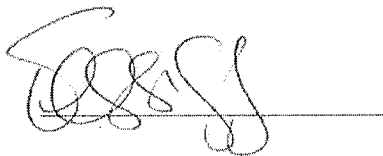
EPA has not previously identified or discussed with the Private PRPs – and therefore the scope of activities that will be required to complete the associated evaluations are not clear at this time.

We have other questions which we assume can be addressed during the scoping meeting specified in the SOW. Until we can discuss these items and gain a better understanding of the scope of the associated evaluations, we cannot commit to achieving the deliverables schedule included in the SOW. As you are aware, this is a very complex site and a significant amount of data has been generated over the seven years since the 2008 ROD was issued. In addition, a significant amount of data are currently being generated as part of the Area 1/Area 2 Phase 1D and Additional Characterization efforts (both of which were undertaken at EPA's request). This voluminous data set – coupled with the numerous remedial alternatives which are to be evaluated as part of the new proposed FFS work – leaves us concerned that the deadlines you propose in your October 9 letter do not realistically reflect the amount of time that will be needed to collect, analyze, and extrapolate this information in a manner meaningful to EPA and to the public. However, the PRPs are committed to sitting down with EPA as part of the scoping meeting to establish a schedule that is both aggressive and feasible in light of the complexities of this site.

The Private PRPs look forward to the scoping meeting with EPA to confirm the specific elements of this additional work, and to develop appropriate schedules for the additional work and associated deliverables set forth in EPA's October 9, 2015 letter. Based on an initial review of our schedules, we suggest that we look to schedule a meeting sometime during the week of November 9, 2015.

As always, if you have any questions concerning the topics addressed in this letter, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Beck', written over a horizontal line.

William G. Beck
Jessica E. Merrigan
Lathrop & Gage

A handwritten signature in black ink, appearing to read 'John McGahren', written over a horizontal line.

John McGahren
Morgan, Lewis & Bockius, LLP

cc: Tiffany Drake, MDNR